

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PAMELA G. CAPPETTA,

Plaintiff,

v.

Civil Action No. 3:08CV288

GC SERVICES LIMITED PARTNERSHIP,

Defendant.

ORDER

This matter is before the Court, as settlement judge and by consent of the parties, for resolution of the Plaintiff's discovery request for a "site inspection" of Defendant's data base(s) by Plaintiff's electronic storage/retrieval expert for the purpose of developing a so-called protocol for subsequent disclosure of information regarding individual accounts as that information would be relevant to the issue of establishing numerosity in regard to a motion by Plaintiff for possible class certification. The Court having reviewed informal submissions by the parties, which the Court invited in order to avoid the necessity of formal pleading practice, and the Court having entertained oral argument by telephone conference call this date, it is hereby ORDERED that:

1. The Defendant shall forthwith make appropriate logistical arrangements for a site inspection by Plaintiff's expert when knowledgeable representatives of Defendant, who are familiar with Defendant's electronic storage and retrieval systems, will be available to respond to Plaintiff's expert's inquiries concerning the structure of the Defendant's electronic storage and retrieval system;
2. Plaintiff's expert shall also be given access to the closed file of the named plaintiff, Pamela G. Cappetta, in order to view and/or test the structure of the system as would be necessary for retrieval of information relevant to the issue of class numerosity;

3. Plaintiff's expert shall not be allowed access to any data information other than that dealing with structure, with the exception of such personal information as may be disclosed in examination of the Cappetta file;
4. Said Plaintiff's expert and Plaintiff's counsel shall be bound by the provisions of the Protective Order previously entered herein (docket entry no. 44);
5. Plaintiff shall submit within ten (10) days after the inspection the proposed protocol for subsequent analysis of the data bank (subject to future Court order), and the Defendant shall respond and note any objections to the proposed protocol within seven (7) days after receipt of same from Plaintiff, with Plaintiff to reply within three (3) days after receiving Defendant's response; and
6. All other pending and future discovery disputes shall be submitted by formal motion and resolved by the trial court unless the parties agree to informal resolution by this Court, with the Court's concurrence.

Let the Clerk forward a copy of this Order to the Honorable M. Hannah Lauck and all counsel of record.

It is so Ordered.

_____/s/_____
Dennis W. Dohnal
United States Magistrate Judge

Dated: March 11, 2009